IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.6769 OF 2005
WITH
CRIMINAL APPLICATION NO.6770 OF 2005

Mr.Ram Kotak ..Applicant

Vs.

State of Maharashtra & Anr. ...Respondents

...

Mr.Shailesh Kumar Advocate for Applicant
Ms.S.V.Gajare A.P.P. for the State
in 6769 of 2005
Mr.V.B.Konde Deshmukh A.P.P. for State
in 6770 of 2005

...

CORAM: SMT.V.K.TAHILRAMANI,J.
DATE : OCTOBER 14, 2005

P.C.

1. Heard the learned advocate for the applicant and the learned A.P.P. for the State in both the matters.

2. The applicant is seeking quashing of process issued in Criminal Case Nos. 55/SS/2004 and 56/SS/2004 pending before the learned Metropolitan Magistrate, 14th Court, Girgaum, Mumbai. In the

said case, process has been issued against the applicant under Section 138 r.w. 142 of Negotiable Instruments Act.

3. For the reasons recorded in the decision of this Court in the case of **V.K.Jain and others Vs. Pratap V. Padode reported in 2005(3) Mh.L.J.778,** I am of the opinion that the applicant has an efficacious remedy of preferring revision against the order of Magistrate issuing process. Hence, in my view, it would be appropriate that the applicant prefers a revision before the concerned Sessions Court against the order of the Magistrate issuing process.

4. Liberty is granted to the applicant to prefer the necessary revision before the concerned Sessions Court. The learned advocate for the applicant makes a statement that the necessary revision will be preferred within four weeks from today. In view of this statement, the trial Court shall not proceed with the trial for a period of four weeks.

5. On the necessary revision being preferred by the applicant before the concerned Sessions Court, the concerned Sessions Court shall dispose of the matter on merits after hearing the necessary parties.

6. Criminal Applications are disposed of.

[V.K.TAHILRAMANI,J.]